

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
(Eastern) HATTIESBURG DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

vs.

CIVIL ACTION NO. 2:18-cv-2-KS-MTP

PETER BREEDEN

DEFENDANT

COMPLAINT

COMES NOW, D. Michael Hurst, Jr., United States Attorney for the Southern District of Mississippi, on behalf of Plaintiff, United States of America, and files this its Complaint against Defendant Peter Breeden, and in support says:

1. This is a civil action brought on behalf of the United States of America and this Court has jurisdiction under the provisions of 28 U.S.C. § 1345.

2. Defendant resides at Hattiesburg, MS, within the Southern District of Mississippi.

3. Defendant owes Plaintiff the principal sum of \$9,031.01, plus interest, as more fully set forth on the Certificate of Indebtedness attached hereto as Exhibit "A".

4. Due demand has been made for payment.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

a) In the amount of \$15,452.54 (\$9,031.00 principal and \$6,421.54 interest) plus 11% interest accrued through November 21, 2017;

b) Interest to accrue at the legal rate to date of judgment;

c) Interest from the date of judgment at the legal rate in effect on the date of judgment until paid in full;

d) Filing fee costs in the amount of \$400.00 (\$350.00 filing fee plus \$50.00 administrative fee) in favor of Plaintiff, pursuant to 28 U.S.C. § 2412(a)(2); and

e) For such other good and proper relief as this Court may deem just.

DATED: January 10, 2018

Respectfully submitted,

D. MICHAEL HURST, JR.
United States Attorney

BY: s/Marc A. Perez
Marc A. Perez
Assistant United States Attorney
501 East Court Street, Suite 4.430
Jackson, MS 39201
Washington State Bar No. 33907
(601) 965-4480
Marc.Perez@usdoj.gov



DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center

Debt Collection Center

CERTIFICATE OF INDEBTEDNESS

Nursing Scholarship Program (NSP)

Peter A. Breeden
304 Hillendale Dr
Hattiesburg, MS 39402
SSN: 438-29-1767
REF: 46090002

Total debt due United States as of November 21, 2017: \$15,452.54 (principal \$9,031.00; interest \$6,421.54).

I certify that the Department of Health and Human Services' (HHS) records show that the individual named above is indebted to the United States in the amount stated. Interest accrues on the principal amount of this debt at the fixed rate of 11% per annum. The interest accrues at \$2.72 per day.

Peter A. Breeden submitted an application and signed a contract to participate in Nursing Scholarship Program (NSP), Section 846(d) of the Public Health Service Act (42 U.S.C. § 297n(d)).

On September 23, 2008, he was approved to receive a scholarship award for the 2008-2009; and the 2009-2010 school year. The funds received totaled \$9,031.00 representing tuition, fees, monthly stipends, and other reasonable educational costs.

One of the conditions for receipt of funds is that he maintain enrollment as a full-time student until completion of the course of study for which the scholarship was provided. On January 23, 2009, his enrollment in nursing school was terminated because he voluntarily withdrew from school.

Pursuant to 42 U.S.C. 297n(g)(1)(A), if a participant fails to maintain an acceptable level of academic standing in the nursing program, is dismissed from the nursing program for disciplinary reasons, or voluntarily terminates the nursing program, the participant is liable to the Federal Government for the amount of his or her award, and for interest on that amount at the maximum legal prevailing rate. The amount the Federal Government is entitled to recover is due no later than three (3) years from the date of the participant's default.

On July 07, 2009, he was notified by letter that he had been placed in default of the conditions of his contract effective January 23, 2009. He was informed of the annual interest rate applicable to his debt and advised that interest would accrue on the unpaid principal balance from the date of default until the debt is paid in full. He was advised the debt must be paid within three years from the date of default. Instructions were enclosed for requesting a repayment agreement if he was unable to remit the total amount due.

Exhibit "A"

PAGE 2 - CERTIFICATE OF INDEBTEDNESS - DEBTOR'S NAME

In a letter dated December 23, 2011, he was advised that his account had been referred to a private collection agency. He was notified that unless payment in full or an RA was concluded, the account would be referred to DOJ for enforced collection.

By letter dated May 11, 2012, he was advised that his account was delinquent. He was notified of HHS' intent to refer his debt to other Federal agencies for the purpose of administrative offset, which may include Federal tax refund offset, salary offset, wage garnishment, and other Federal or State Agencies payments. He was advised that paying the debt in full or entering into an RA would terminate administrative offset.

Additional notifications and demand letters regarding the indebtedness were sent on the following dates: April 02, 2014; June 23, 2014; July 29, 2014; January 28, 2015; and May 06, 2015.

By letter dated November 29, 2017, Mr. Breeden was sent a final notice regarding the delinquent debt. He was advised that if payment was not received within thirty days, the debt would be referred to the DOJ for litigation. He did not respond.


The following provides a breakdown of payments made on the debt:

Voluntary Payments	01/09/14 to 02/23/15	647.67
Treasury Offset Payments	03/27/13 to 04/24/17	<u>1705.46</u>
Total		\$2,353.13

Repeated attempts by HHS have been unsuccessful in establishing an acceptable repayment agreement. The debt is now being referred to the U.S. Department of Justice (DOJ), District of Southern Mississippi, 501 E Court St., Suite 4.430 Jackson, MS 39201 for enforced collection.

CERTIFICATION: Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct.

12/5/17
Date



Melodie R. Sanders
Chief, Debt Referral Section
Program Support Center
U.S. Department of Health and Human Services

JS 44 (Rev. 06/17)

CIVIL COVER SHEET Civil No.: 2:18-cv-2-KS-MTP

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Marc A. Perez, Chief Chief, AUSA
501 East Court Street, Suite 4.430
Jackson, MS 39201 (601) 965-4480

DEFENDANTS

PETER BREEDEN

County of Residence of First Listed Defendant FORREST
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
N/A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

28 U.S.C. Section 1345. This is a civil action to U. S. to collect debt owed

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

15,452.54

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/10/2018

SIGNATURE OF ATTORNEY OF RECORD

MARC A. PEREZ, CIVIL CHIEF, AUSA

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

Starrett

MAG. JUDGE

Parker